

# SANTEN & HUGHES

A Legal Professional Association

312 Walnut Street, Suite 3100  
Cincinnati, Ohio 45202  
www.santen-hughes.com

EPA Region 5 Records Ctr.



275778

Charles M. Meyer, Esq.  
E-Mail: cmm@santen-hughes.com  
Direct Dial: (513) 852-5986

Telephone: (513) 721-4450  
Telecopier: (513) 721-7377

February 5, 2001

## **CONFIDENTIAL AND INADMISSIBLE SETTLEMENT COMMUNICATION**

Craig Melodia  
Assistant Regional Counsel  
United States Environmental Protection Agency  
Region 5 - 77 West Jackson Boulevard  
Chicago, IL 60604-3590  
Attn: C-14J

**Re: Skinner Landfill, West Chester, Ohio**

Dear Mr. Melodia:

Thank you for your letter dated January 30, 2001. As I mentioned in my letter to you dated November 28, 2000, Acme Wrecking Co. ("Acme") is willing to discuss settlement of U.S. EPA's claims against Acme related to the Skinner Landfill Site. I apologize for not following up with you sooner. It is a priority for me and for Acme to resolve matters with the U.S. EPA as expeditiously as possible.

You have requested that, as a beginning point, we turn over to U.S. EPA the Allocator's findings from the ADR proceeding. While Acme disagrees with those findings, we are inclined to release the Allocator's findings related to Acme's involvement including both the final findings and preliminary findings. Before doing so, however, we need to make sure that this can be done in compliance with the Case Management Order ("CMO") issued by the Court. Perhaps you can help me with this.

The First CMO (Docket No. 89) entered August 27, 1997 provides in Section 24 "Confidentiality" that all this information is to be kept confidential. It then appears that on or about June 30, 1999 various Chem-Dyne customers, who were participants in the ADR process, filed a Motion For Approval Of Release Of Confidential ADR Records. By Order Granting Motion For Approval Of Release Of Confidential ADR Records (Docket No. 205) entered October 7, 1999, the

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William E. Santen  
Charles M. Meyer†\*  
Charles E. Reynolds  
John D. Holschuh, Jr.†  
James P. Wersching

C. Gregory Schmidt†  
William E. Santen, Jr.  
R. Mark Addy  
Mark W. Jordan†  
William A. DeCenso

Duane A. Boggs  
Charles J. Kubicki, Jr.  
Sarah Tankersley†

Kenneth R. Hughes (1925-1993)  
†Also Admitted in KY  
\*Also admitted in FL & MA

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Court authorized the disclosure to the U.S. EPA of those portions of the Allocator's Reports dealing with the issue of Chem-Dyne and the allegations of transshipment of waste from Chem-Dyne to the Skinner Landfill, with certain information redacted.

My question is whether Acme needs to file a motion with the Court requesting similar permission to release portions of the Allocator's report to the U.S. EPA. Perhaps there is some other order of the Court which generally authorizes a party to release such information to U.S. EPA, but I am not aware of any. What are your thoughts about this?

Sincerely,

A handwritten signature in cursive script, appearing to read "Charles Meyer", with a long horizontal flourish extending to the right.

Charles M. Meyer

CMM:bae